

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANNY BLAIR,

Plaintiff,

Civil Action No. 08-CV-11626

vs.

HON. BERNARD A. FRIEDMAN

PATRICIA BARNHART, et al.,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Magistrate Judge R. Steven Whalen has submitted a Report and Recommendation ("R&R") in which he recommends that the court grant the motion of defendants Carter and Featherstone for summary judgment. No party has filed objections to the R&R, and the time to do so has expired. Having reviewed the matter, the court finds that the magistrate judge has correctly analyzed the issues and that his recommendation is sound. The court shall therefore grant summary judgment for these defendants for the reason explained in the R&R, namely, that they were not involved in the decision to transfer plaintiff from one prison to another.

Two other motions are pending in this matter – plaintiff's motion for appointment of counsel [docket entry 31] and plaintiff's motion for default judgment as to defendants Barnhart and Nuckles [docket entry 33]. The motion for appointment of counsel is denied because this is not an exceptional case, as the court of appeals noted in its September 3, 2009, order of remand. The motion for default judgment is denied because defendants Barnhart and Nuckles have not been served with process. Accordingly,

IT IS ORDERED that the motion of defendants Carter and Featherstone for summary

judgment [docket entry 34] is granted.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [docket entry 31] is denied.

IT IS FURTHER ORDERED that plaintiff's motion for default judgment [docket entry 33] is denied.

S/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

Dated: January 4, 2011  
Detroit, Michigan

I hereby certify that a copy of the foregoing document  
was served upon counsel of record by electronic and/or first-class mail.

S/Carol Mullins  
Case Manager to Judge Friedman